

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

VONICE KING, #1862786 §
VS. § CIVIL ACTION NO. 6:17cv467
CHARLES O. MEADOR, II, ET AL. §

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Vonice King, a prisoner currently confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil lawsuit. In response, Defendants Killman, Hyatt, and Holmes filed a motion for summary judgment requesting the dismissal of all claims against them. (Dkt. #52).

The motion was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that Defendants Killman, Hyatt, and Holmes's motion for summary judgment (Dkt. #52) should be denied in part and denied in part as moot. (Dkt. #59). The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the motion, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the court. It is accordingly

ORDERED that the Report and Recommendation (Dkt. #59) is **ADOPTED**. It is further
ORDERED that Defendants Killman, Hyatt, and Holmes's motion for summary judgment (Dkt. #52) regarding damages against them in their official capacities is **DENIED** as **MOOT**.

It is finally
ORDERED that Defendants Killman, Hyatt, and Holmes's motion for summary judgment (Dkt. #52) regarding the Eighth Amendment use of force claims and qualified immunity are **DENIED**. Mr. King may proceed with his use of force claims for money damages against these Defendants.

So Ordered and Signed

Mar 17, 2019



Ron Clark, Senior District Judge